

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal Case No. 6:04cr00009-1</b>
	)	
<b>v.</b>	)	<b>2255 MEMORANDUM OPINION</b>
	)	
<b>CHARLES T. TURNER,</b>	)	<b>By: Norman K. Moon</b>
<b>Petitioner.</b>	)	<b>United States District Judge</b>

Petitioner Charles T. Turner, proceeding with counsel, filed a motion to vacate, set, aside, or correct sentence pursuant to 28 U.S.C. § 2255, challenging the validity of his criminal sentence. The Federal Bureau of Prisons informed the court that Turner died on December 18, 2016. When changes occur during the course of litigation that eliminate the petitioner's interest in the outcome of the case or the petitioner's need for the requested relief, the case must be dismissed as moot. *See Powell v. McCormack*, 395 U.S. 486, 496 (1969). This case is now moot because Turner died. *See, e.g., Hailey v. Russell*, 394 U.S. 915 (1969); *Eakes v. McCall*, 533 F. App'x 268 (4th Cir. 2013). Accordingly, I conclude that Turner's § 2255 motion must be dismissed without prejudice.

**ENTER:** This 1<sup>st</sup> day of February, 2017.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE